

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: STRYKER REJUVENATE AND ABG II
HIP IMPLANT PRODUCTS LIABILITY LITIGATION**

MDL No. 2441

TRANSFER ORDER

Before the Panel: Plaintiff in a District of Oregon action (*White-Hoppe*) listed on the attached Schedule A moves under Panel Rule 7.1 to vacate the Panel's order conditionally transferring the action to MDL No. 2441. Defendants¹ oppose the motion.

After considering the arguments of counsel, we find that this action involves common questions of fact with the actions previously transferred to MDL No. 2441, and that transfer under 28 U.S.C. § 1407 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Moreover, transfer is warranted for the reasons set forth in our order directing centralization. In that order, we held that the District of Minnesota was an appropriate Section 1407 forum for actions sharing factual questions arising from injuries allegedly caused by Stryker's recalled Rejuvenate and ABG II modular-neck hip implant products. *See In re: Stryker Rejuvenate and ABG II Hip Implant Prods. Liab. Litig.*, 949 F.Supp.2d 1378 (J.P.M.L. 2013). This action involves plaintiff's injuries related to her Stryker ABG II hip implant and thus falls within the MDL's ambit.

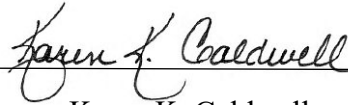
Plaintiff opposes transfer by arguing that transfer and travel to the transferee forum will cause her and her witnesses extra expense and inconvenience. These arguments rest on a faulty premise. Because "Section 1407 transfer is for pretrial proceedings only, there is usually no need for the parties and witnesses to travel to the transferee district for depositions or otherwise." *See In re: Cygnus Telecommunications Tech., LLC, Patent Litig.*, 177 F.Supp.2d 1375, 1376 (J.P.M.L. 2001). Transfer is appropriate because of the substantial factual questions that *White-Hoppe* shares with the MDL actions.

¹ Howmedica Osteonics Corp., Stryker Corporation, and Stryker Sales Corporation.

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IT IS THEREFORE ORDERED that this action is transferred to the District of Minnesota and, with the consent of that court, assigned to the Honorable Donovan W. Frank for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in cursive script, reading "Karen K. Caldwell", is positioned above a horizontal line.

Karen K. Caldwell
Chair

Nathaniel M. Gorton
David C. Norton
Dale A. Kimball

Matthew F. Kennelly
Roger T. Benitez
Madeline Cox Arleo

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SCHEDULE A

District of Oregon

WHITE-HOPPE v. STRYKER CORPORATION, ET AL., C.A. No. 3:22-00189